

REMARKS

Claims 1-15 and 17-25 remain pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks.

Rule 131 Declaration:

A declaration under 37 C.F.R. § 1.131 is submitted herewith. The declaration indicates that Applicant's invention was completed (reduced to practice) before December 11, 2000. Therefore, Rivera et al. (U.S. Patent Application 2002/0107699) is removed as a prior art reference since its effective date is no earlier than February 8, 2001. Similarly, Katz et al. (U.S. Publication 2002/0174000) is also removed as a prior art reference since its effective date is May 15, 2001.

Section 103(a) Rejection:

The Office Action rejected claims 1-5, 7, 8, 11-15, 17-21 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Rivera, et al. (U.S. Publication 2002/0107699) (hereinafter "Rivera") in view of Iwamoto, et al. (U.S. Patent 6,658,483) (hereinafter "Iwamoto"), claims 6 and 9 as being unpatentable over Rivera in view of Iwamoto, as applied to claim 1, and further in view of Meltzer, et al. (U.S. Patent 6,125,391) (hereinafter "Meltzer"), claims 10 and 22 as being unpatentable over Rivera in view of Iwamoto, as applied to claims 17 and 20, and further in view of Katz, et al. (U.S. Publication 2002/0174000) (hereinafter "Katz"). Applicants respectfully traverse this rejection for at least the reasons below.

As noted above, a declaration under 37 C.F.R. § 1.131 is submitted herewith. The declaration indicates that Applicant's invention was reduced to practice before December 11, 2000. Therefore, Rivera and Katz are removed as prior art references since their effective dates are no earlier than February 8, 2001 and May 15, 2001, respectively. As

such, Applicants respectfully request removal of the § 103(a) rejection of claims 1-15 and 17-25.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90100/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Other: Two executed Declaration under 37 C.F.R. § 1.131
- Other: Exhibits 1, 2 and 3

Respectfully submitted,



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Date: July 5, 2006